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Message Text

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41
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DRAFTED BY DOD/ISA:JLMAY:FBL
APPROVED BY ARA/CAR:TJCHEAVNER
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R 261559Z OCT 76
FM SECSTATE WASHDC
TO AMEMBASSY LONDON
INFO AMEMBASSY NASSAU

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E.O. 11652: N/A

TAGS: MARR, UK, BF

SUBJECT: EASEMENT RIGHTS AT US NAVAL FACILITY GRAND
TURK, TURKS AND CAICOS ISLANDS

REF: TIAS 4734, US DEFENSE AREAS AGREEMENT, FEDERATION
OF THE WEST INDIES

1. THE NAVY OWNS AND MAINTAINS AN UNDERGROUND COMMUNI-
CATIONS CABLE BETWEEN THE NAVAL FACILITY GRAND TURK AND
THE AIR FORCE AUXILIARY STATION, GRAND TURK. THIS CABLE
TRAVERSES 60 PARCELS OF LAND. APPROXIMATELY A YEAR AND
A HALF AGO, THE OWNER OF ONE OF THE PARCELS CONSTRUCTED
A DWELLING OVER THE CABLE, ADVISING NAVY AUTHORITIES
THAT THERE WAS NO CABLE EASEMENT OF RECORD IN THE LAND
REGISTRY OFFICE. THE PROPERTY OWNER HAS RECENTLY REQUESTED
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COMPENSATION FOR EASEMENT RIGHTS.

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2. ARTICLE II OF DEFENSE AREAS AGREEMENT PROVIDES, AMONG OTHER THINGS, THAT THE US SHALL ENJOY "THE RIGHTS, POWER AND AUTHORITY WHICH ARE NECESSARY FOR THE DEVELOPMENT, USE,OPERATION FOR MILITARY PURPOSES OF THE DEFENSE AREAS" AND ALSO SHALL HAVE "SUCH RIGHTS OF ACCESS, RIGHTS OF WAY AND EASEMENTS AS MAY BE NECESSARY FOR THESE PURPOSES." ARTICLE IV DECLARES THAT "THE DEFENSE AREAS, RIGHTS OF

ACCESS, RIGHTS OF WAY AND EASEMENTS SHALL BE PROVIDED FREE OF RENT AND ALL OTHER CHARGES."

3. NAVY HAS OBTAINED INFORMATION FROM GRAND TURK LAND REGISTRY OFFICE INDICATING THAT THERE IS NO EASEMENT OR OTHER AGREEMENT OF PUBLIC RECORD IN TURKS AND CAICOS COVERING 22 OF THE 60 LAND PARCELS TRAVERSED BY THE CABLE, 15 OF THESE PARCELS APPARENTLY OWNED BY LOCAL GOVERNMENT, REMAINING 7 OWNED BY PRIVATE PARTIES. SINCE PUBLIC RECORDS IN TURKS AND CAICOS DO NOT REFLECT EASEMENT RIGHTS FOR THE 22 PARCELS, UKG SHOULD BE CONTACTED TO OBTAIN CLARIFI-CATION.

4. EMBASSY IS REQUESTED TO ASCERTAIN HMG VIEWS ON THIS QUESTION. KISSINGER

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